



CODE COMPLIANCE SPECIAL MAGISTRATE HEARING

AGENDA FOR MARCH 10, 2020 5:15 P.M

LOCATION:

Medley Municipal Services Facility
Council Chambers
7777 NW 72 Avenue
Medley, FL 33166

SPECIAL MAGISTRATE:

Lorenzo Cobiella, Esq.

TOWN COUNSEL:

Jose Arango, Esq.

TOWN CLERK:

Victoria Martinez, FRP, CMC

CODE COMPLIANCE DEPARTMENT STAFF:

Jose Guasch Jr - *Code Compliance Chief Officer*

Maria Ayala - *Code Compliance Officer*

Carlos Medio - *Code Compliance Officer*

Ariel Morales - *Code Compliance Officer*

WELCOME

The Special Magistrate Hearing is a Quasi-Judicial forum which hears testimony and determines whether sufficient evidence exists to find property owners in violation of Town codes. The Special Magistrate also determines if any additional time is appropriate, and the fine that should be imposed for failing to comply with its orders, if any.

APPEALS

If you wish to appeal the ruling of the Special Magistrate, you must file your appeal with the Circuit Court within 30 days of the date of this hearing (Ch. 162.11, *Florida Statutes*). If a person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at a hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA COMPLIANCE: In accordance with the Americans with Disabilities Act of 1990 (ADA), disabled persons who, because of their disabilities, need special accommodation to participate in the meeting or hearing should contact the Medley Municipal Services Facility, 7777 N.W. 72 Avenue, Medley, Florida 33166 or telephone (305) 887-9541 Ext. 0 no later than three (3) business days prior to such meeting or hearing.

NOTE: If you are not able to communicate or are not comfortable expressing yourself in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the Town of Medley during your appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The Town of Medley DOES NOT provide translation during any public hearing or during any quasi-judicial proceeding.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES:

1. Approval/Corrections of the Special Magistrate Hearing of February 11, 2020

D. ADOPTION OF AGENDA (DEFERRALS, ADDITIONS, MODIFICATIONS)

E. PUBLIC HEARING:

SWEARING IN OF INTERESTED PARTIES

SIGN-IN SHEET: Those who wish to address the Magistrate during the public hearing must legibly records their name and address on the sign-in sheet with their respective case number. The primary purpose of the sign-in sheet is to record the attendance at the meeting and to assist in the accurate recording of the minutes.

1. CASE NUMBER: ECC2020-0005
Business Name: Zahlene Enterprises Inc
Property Address: 11300 NW 97 Ave
Property Owner: Medley 11300 LLC
Code Enforcement Officer: Maria Ayala

VIOLATION(S):

CHAPTER 62, ARTICLE III SEC 62-86 ORD C-151, S9,3-4-74 Limitation of possible hazards to the health of the community from airborne sediment/dust.

CHAPTER 41, ARTICLE II SEC 41-31 (A) & (C) ORD C-394 S3, 6-1-2015 Limitation of sediment into the right of way.

CHAPTER 32, ARTICLE II, SEC 32-43 (B) (5) ORD C-415 S2, 4-3-2017 The minimum levels of service for flood protection.

CHAPTER 62 ARTICLE II, SEC 62-56 ORD C-151 S6, (21), 3-4-74 Control of onsite stormwater without drainage to adjacent properties.

CHAPTER 14 ARTICLE VI SEC 14-152 ORD C-299 S2,12-1-2003 Control requirement of sediment of pollutants.

CHAPTER 14, ARTICLE V SECTION 14-155 (J) ORD C-299, S5, 12-1-2003 Keep facility runways and driveways properly paved and clean.

2. CASE NUMBER: ECC2020-0007
Business Name: N/A
Property Address: 11350 NW South River Drive
Property Owner: Pedro Hernandez
Code Enforcement Officer: Maria Ayala

VIOLATION(S):

CHAPTER 62 ARTICLE II SEC 62-86 (7) ORD C-151, S9,3-4-74 Limitation of poss hazards to the health of the community from airborne sediment/dust.

CHAPTER 62-56 ORD C-151 ,S6 (21) 3-4-74 Control of onsite stormwater without draining to adjacent properties.

CHAPTER 41 ARTICLE II SEC 41-31 (A) & (C) ORD C-394 S3,6-1-2015 Limitation of sediments into the right of way.

CHAPTER 32, ARTICLE II SECTION 32-43 (B) (5) ORDINANCE C-415 S2,4-3-2017 The minimum levels of service for flood protection.

CHAPTER 14, ARTICLE VI SECTION 14-152,ORD C-299, S2,12-1-2003 Control requirement of sediment and pollutants.

CHAPTER 14, ARTICLE VI SECTION 14-155 (J) ORD C-299 S5, 12-1-2003 Pavement requirement of facilities.

CHAPTER 14, ARTICLE VI, SECTION 14-158 ORD C-299 S8, 12-1-2003 Maintenance requirements of driveways and swale areas.

3. CASE NUMBER: ECC2018-0132
Business Name: Alamo Towing Corp.
Property Address: 7327 NW 79 Terrace
Property Owner: L & J Ventures Inc.
Code Enforcement Officer: Carlos Medio
Default/Certification of Fines

VIOLATION(S):

SEC. 14-33(B): No business tax receipt shall be issued until a certificate of use has been issued in accordance with the town code, unless its business does not require a certificate of use. the certificate of use shall be issued when the business is in compliance with the town code, including the requirement of site plan approval, a structure in compliance with the Florida building code, and adequate water, sewer and electric, as well as adequate parking and drainage.

SEC. 14-26(B): No person shall engage in any business that is carried on within the town, and no business tax receipt shall be issued, until a business tax for the current year, and all prior outstanding business taxes have been paid for such business and the proper business tax receipt obtained.

4. CASE NUMBER: ECC2019-0114
Business Name: Permafrost Warehousing, Inc
Property Address: 12800 NW 113 Ct.
Property Owner: Land Quest Enterprises Inc
Code Enforcement Officer: Ariel Morales
Default/Certification of Fines

VIOLATION(S):

SEC. 14-33(B): No business tax receipt shall be issued until a certificate of use has been issued in accordance with the town code, unless its business does not require a certificate of use. the certificate of use shall be issued when the business is in compliance with the town code, including the requirement of site plan approval, a structure in compliance with the Florida building code, and adequate water, sewer and electric, as well as adequate parking and drainage.

SEC. 14-26(B): No person shall engage in any business that is carried on within the town, and no business tax receipt shall be issued, until a business tax for the current year, and all prior outstanding business taxes have been paid for such business and the proper business tax receipt obtained.

5. CASE NUMBER: ECC2017-0153
Business Name: LKQ Pick Your Part
Property Address: 8100 NW 74 St

VIOLATION(S):

CHAPTER 14, ARTICLE VI SECTION 14-152 ORD C-299,S2,12-1-2003 Control requirement of sediment and pollutants.

CHAPTER 32, ARTICLE II SECTION 32-45 ORD C-238, S10 (IX), 1-7-91 Retain a 10-year 3 day storm event onsite.

CHAPTER 62, ARTICLE II SECTION 62-56 ORD C-151, S6, 3-4-74 Control of drain stormwater to adjacent property.

SEC. 14-26(C): All business tax receipts shall be sold by the town beginning July 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. if September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30.

6. CASE NUMBER: ECC2017-0161

Business Name: LKQ Pick Your Part / AIM Recycling

Property Address: 8130 NW 74 St

Property Owner: GPT 74th Street Owner LLC C/O Gramercy Property Trust
Certification of Fines

VIOLATION(S):

SEC. 14-26(C): All business tax receipts shall be sold by the town beginning July 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. if September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30.

7. CASE NUMBER: ECC2017-0165

Business Name: N/A

Property Address: 8300 NW 74 St

Property Owner: Mario, Juan, Julio & Maria Victoria Pinera

Code Enforcement Officer: Maria Ayala

Certification of Fines

VIOLATION(S):

CHAPTER 14, ARTICLE VI SEC 14-152 ORD C-299,S2,12-1-2003 Control requirement of sediment and pollutants

CHAPTER 32 ARTICLE II SECTION 32-45 ORD C-238 S10(IX), 1-7-91 Retain a 10-year 3-day storm event onsite

CHAPTER 62 ARTICLE II SECTION 62-56 ORD C-151 S6,3-4-74 Control of drain stormwater to adjacent property.

SEC. 62-56: Every owner of real property shall provide for disposal of all surface water, and it shall be unlawful to drain water to adjacent property.

F. DISCUSSION/ACTION ITEMS

1. CASE NUMBER: 2014-0228

Business Name: N/A

Property Address (Folio): 22-2033-001-0419

Property Owner: Timothy A McDonald & W Danna
Code Enforcement Officer: Carlos Medio
Certification of Fines

VIOLATION(S):

SEC 38-28, 41-26(a),62.88 (a) 59.1 (a) Unlawfully maintaining a trailer in a prohibited district, unlawfully parking or storing abandoned vehicles on property. unlawfully storing materials products and operating business outside in the public view failure to properly maintain the property to prevent the excessive growth or accumulation of grass and weeds.

2. CASE NUMBER: 2014-0229

Business Name: N/A
Property Address: 10915 NW South River Dr.
Property Owner: Timothy A McDonald & W Danna
Code Enforcement Officer: Carlos Medio
Certification of Fines

VIOLATION(S):

41-26 (a) 62-88 (a) Failure to remove and store outside materials and or from public view. unlawfully storing abandoned vehicles and vessels on property.

3. CASE NUMBER: 2014-0231

Business Name: N/A
Property Address: 10801 NW South River Dr.
Property Owner: Timothy A McDonald & W Danna
Code Enforcement Officer: Carlos Medio
Certification of Fines

VIOLATION(S):

SEC 41.26 (a), 62.88 (a) Unlawfully parking or storing abandoned vehicle, vessels and containers on property and unlawfully storing materials, machinery and operating a business outside in the public view.

G. ADJOURNMENT